



INDIANA DEPARTMENT OF TRANSPORTATION

Driving Indiana's Economic Growth

Memorandum

April 24, 2008

CONSTRUCTION MEMORANDUM 08-05

TO: District Deputy Commissioners
District Highway Operation Directors
District Construction Engineers
District Testing Engineers
District Area Engineers
Project Engineers/Supervisors

FROM: Mark A. Miller, Director *Mark A. Miller*
Division of Construction Management

SUBJECT: Revised Borrow and Disposal Site Specifications

The specifications pertaining to borrow and disposal sites have been revised and a new Recurring Special Provision, 203-R-550, has been issued with these changes. The new provision will be effective with all contracts let on or after July 1, 2008. A copy of the new provision is attached.

The main purpose of the specification change is emphasize that a contractor must have Department approval of borrow and disposal sites prior to their use. The revision also clarifies the criteria for approval of the sites and the definition of commercial and permitted sites.

A checklist for submittal, review and approval of borrow and disposal sites has been created and a copy is attached. The form, IC 203 – Request for Approval of Borrow or Disposal Site is to be used for all contracts beginning with the July 2008 lettings and may also be used on any active contract let prior to July. The checklist will be available on the Department's website.

The Districts are asked to direct any questions to the Office of Construction Technical Support.

Contractors should address contract specific questions to the District Construction Offices.

MAM:rlh

(2) attachments

203-R-550 - APPROVAL OF BORROW AND DISPOSAL SITES

(Adopted 03-20-08)

The Standard Specifications are revised as follows:

SECTION 201, BEGIN LINE 3, INSERT AS FOLLOWS:

201.01 Description

This work shall consist of clearing, grubbing, removing, and disposing of all vegetation and debris, except such objects as are designated to remain or are to be removed in accordance with other sections of these specifications, within the construction limits shown on the plans. If no construction limits are shown, the right-of-way and easement areas will be the construction limits. This work shall include the preservation from injury or defacement of all vegetation and objects designated to remain. *Disposal of material shall be in accordance with 203.08.*

SECTION 201, BEGIN LINE 43, DELETE AND INSERT AS FOLLOWS:

Unless burned in accordance with the requirements herein, perishable materials and debris shall be removed from the right-of-way and disposed of ~~at locations off the construction site and outside the limits of view from the traveled roadway in accordance with 203.08. If permitted, sod. Sod~~ may be disposed of within the right-of-way, but outside the construction limits, ~~if permitted. Written permission shall be obtained from the property owner on whose property the materials and debris are to be placed. All necessary arrangements shall be made with the owner for obtaining suitable disposal locations. The cost involved shall be included in the contract price of pay items.~~

SECTION 202, BEGIN LINE 13, DELETE AND INSERT AS FOLLOWS:

202.02 General Requirements

All buildings and foundations in accordance with 202.06, structures, fences, tanks, and other obstructions, any portions of which are on the right-of-way shall be razed, removed, and disposed of, except utilities and those features for which other provisions have been made for removal. Designated salvageable material shall be removed without unnecessary damage in sections or pieces which may be transported readily and shall be stored at specified places within the project limits or as otherwise designated. ~~Unless otherwise permitted and except~~ *Except* for regulated materials, which ~~are defined in shall be disposed of in accordance with 104.06, and bridge painting debris which is subject to 619, non-salvageable material shall be disposed of in accordance with 203.08 State, Federal, and local regulations. Unregulated material that may be disposed of on private property, other than approved landfill sites, shall only be done with written approval of the Engineer and the property owner with appropriate permits and shall be outside the limits of view from the traveled roadway. Copies of all agreements with property owners shall be furnished.~~ Unsuitable material shall be removed from cisterns, septic tanks, other tanks, basements, and cavities. The disposition of this material shall be in accordance with all applicable and current State, Federal, and Local Regulations.

SECTION 203, BEGIN LINE 49, DELETE AND INSERT AS FOLLOWS:

203.08 Borrow or Disposal

Borrow shall consist of approved material required for the construction of embankments or for other portions of the work and shall be obtained from approved locations and sources outside the right-of-way. Borrow material shall be free of

substances that will form deleterious deposits, or produce toxic concentrations or combinations that may be harmful to human, animal, plant or aquatic life, or otherwise impair the designated uses of ~~the~~ a stream or area. Unless otherwise designated in the contract, arrangements shall be made for obtaining borrow. Borrow, as designated herein, shall not include material excavated beyond the right-of-way limits at intersecting public roads, private and commercial drive ~~approaches, nor approaches and~~ material furnished as B borrow.

Disposal of waste material, other than regulated material, from within the right-of-way shall only be allowed at approved locations either within or outside the right-of-way. Disposal of regulated material shall be in accordance with 104.06.

~~Proposed borrow sites and proposed disposal sites for excavated material shall be identified before such material is excavated or disposed of within or outside the right-of-way.~~

Except where ~~a permitted or~~ a licensed commercial site ~~or a permitted site~~ is utilized for borrow or disposal, the Contractor shall obtain all permits required by local, state and federal laws prior to the start of any operations at the site.

Licensed commercial sites and permitted sites are defined as follows:

- (a) A licensed commercial site is a solid waste facility with a current IDEM operation number.*
- (b) A permitted site is a location that is operated under permits required by local, state and federal laws for the activities proposed by the Contractor. A permitted site shall also have documentation that a wetlands delineation and an archaeological survey have been performed by qualified professionals.*

For proposed borrow or disposal sites other than licensed commercial or permitted sites, an inspection of areas outside the construction limits shall be conducted by a qualified wetland professional approved by the Department to determine if wetlands are present on the site. An approved wetland professional shall be prequalified with the Department to perform environmental services work type 5.4 Ecological Surveys or shall be certified by the Society of Wetland Scientists as a wetland professional-in-training or professional wetland scientist. A list of approved wetland professionals is maintained on the Department's website. ~~This~~ The wetlands inspection shall be in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. The inspection shall also determine if isolated wetlands as defined by ~~the~~ IDEM are present. ~~The Contractor shall submit a document, signed by the wetland professional, verifying that the site has been inspected for the presence of wetlands in accordance with the federal manual and for isolated wetlands and, if any are present, specifying the area to be demarcated as jurisdictional waters and/or wetland.~~ The Contractor shall demarcate in a method approved by the Engineer the boundary of all wetlands identified within the proposed borrow or disposal site. ~~Once the area to be used for borrow or for disposal of excavated material has been shown not to contain jurisdictional or isolated wetlands, the~~

~~boundary of the area cleared shall be demarcated. The methods of demarcation shall be as approved by the Engineer.~~

For proposed borrow or disposal sites other than licensed commercial or permitted sites, a qualified archaeologist shall perform a record check and field survey to determine if any significant archaeological sites exist within the proposed site. The Indiana Department of Natural Resources Division of Historic Preservation and Archeology maintains a roster of qualified archeological consultants. If any archaeological sites are identified, the archaeologist shall establish the limits of the site along with a reasonable border. The Contractor shall demarcate in a method approved by the Engineer the border of all archeological sites identified within the proposed borrow or disposal site.

Identified archeological sites shall not be disturbed unless the site is cleared by established procedures and written authorization to enter the site has been obtained by the Contractor. Under no circumstances shall an employee of the Contractor or the State of Indiana share in the ownership or profit from the sale of any archaeological artifacts that may be salvaged.

~~The Department maintains a list of professional consultants who are prequalified to perform various types of work. A qualified wetland professional shall be a professional consultant who is prequalified with the Department to perform Environmental Services work type 5.4 Ecological Surveys, or is certified by the Society of Wetland Scientists, SWS, as a wetland professional in training or professional wetland scientist. The Department's list of prequalified professional consultants is located at <http://www.in.gov/dot/div/legal/rfp/eligiblefirms.xls>.~~

~~Previously approved sites may be utilized for borrow or disposal operations if the Contractor furnishes a valid permit or document signed by a wetland professional prior to utilizing the site.~~

Borrow and disposal sites shall be approved by the Engineer prior to the start of any earth disturbing operations at the site. A request for approval of a borrow or disposal site shall be submitted to the Engineer a minimum of 14 days prior to the Contractor's planned start of operations at the site. All requests for approval of a borrow or disposal site shall include a description of the Contractor's planned operations at the site. In the case of disposal sites, the description shall include a listing of the types of material to be disposed of at the site.

A request for approval of a licensed commercial site shall include the following:

- (a) The name and address of the facility.*
- (b) The IDEM operating number.*
- (c) The expiration date of the IDEM operating permit.*

A request for approval of a permitted site shall include the following:

- (a) Name of the site owner.*

- (b) *Address of the site.*
- (c) *A list of the permits, permit numbers and permit expiration dates for all permits under which the site operates.*
- (d) *Documentation that a wetlands delineation and an archaeological survey have been performed by qualified professionals.*

A request for approval of a site, other than a licensed commercial or permitted site, shall include the following:

- (a) *Name of the property owner.*
- (b) *Address or location of the site.*
- (c) *A copy of a right-of-entry obtained from the property owner. Rights-of-entry shall include rights for access by Department personnel to the site for the purposes of monitoring, measurement and sampling.*
- (d) *A site plan showing the site location, site dimensions, adjacent property and right-of-way lines, all demarcated jurisdictional wetlands or isolated wetlands, all demarcated archeological sites, existing and proposed finished contours and proposed finished slope grades.*
- (e) *A site operations plan detailing the operations proposed for the site, what equipment will be utilized, how the site will be accessed and any other information relevant to the operation of the site.*
- (f) *A copy of the Rule 5 Notice of Intent, if required under 327 IAC 15-5.*
- (g) *An erosion control plan for the site including the types of erosion control measures to be incorporated and the sequencing of the measures in respect to the operations plan for the site.*
- (h) *Documentation signed by a wetlands professional verifying that the site has been inspected for the presence of both wetlands and isolated wetlands and, if any are present, specifying the area to be demarcated as jurisdictional or isolated wetlands.*
- (i) *Documentation of the archeological record check and field survey signed by a qualified archeologist including the limits and border of any archeological site discovered.*
- (j) *Copies of all other permits obtained by the Contractor to perform operations at the site.*

The Contractor shall provide the Engineer a minimum of 14 days notice prior to opening borrow areas for the purpose of obtaining original cross section elevations and measurements and to sample the borrow material prior to use.

The Contractor shall install temporary erosion and sediment control measures at borrow or disposal sites other than licensed commercial and permitted sites prior to the start of any earth disturbing activity. ~~If the Contractor elects to use the site, all required permits shall be obtained.~~ The Contractor shall develop and construct all mitigation measures necessary to and fulfill all the requirements ~~detailed by such~~ of all permits obtained by the Contractor for operation of a borrow or disposal site. ~~The Contractor shall also obtain written permission from the land owner for Department personnel to access the site for monitoring.~~

No excavation shall occur or no material shall be disposed of ~~beyond~~ *within* the boundaries of the demarcated *wetlands and archeological areas unless the operations are in compliance with all required permits and these specifications.*

No extension of completion time will be granted due to any delays by the Contractor in securing approval of borrow or disposal sites.

~~Before borrow or disposal operations are begun, the Contractor shall submit operation plans for approval. Such plans shall include the following:~~

- ~~(a) a detailed sketch showing the limits relative to property and right-of-way lines;~~
- ~~(b) the grade of all slopes;~~
- ~~(c) an erosion control plan in accordance with the requirements of 327 IAC 15-5;~~
- ~~(d) the encasement, finished grading, and seeding procedures; and~~
- ~~(e) archaeological clearance.~~

~~Notice shall be given in advance of opening borrow areas so that cross section elevations and measurements of the ground surface after stripping may be taken and the borrow material may be tested before being used.~~

~~Except when a commercial source is utilized, a qualified archaeologist shall perform a record check and field survey of borrow or disposal limits to determine if any significant archaeological sites are within the limits. Results of the record check and survey shall be furnished in writing prior to the excavation of any material. If any archaeological sites are identified, the archaeologist shall establish the limits of the site along with a reasonable border. The site shall not be disturbed unless the archaeological site is cleared by established procedures and written authorization to enter the site has been issued. Under no circumstances shall an employee of the Contractor or the State of Indiana share in the ownership or profit from the sale of any archaeological artifacts that may be salvaged. No extension of completion time will be granted due to any delays in securing approval of a borrow or disposal site.~~

Approval of a proposed borrow or disposal site by the Engineer, whether the proposed site is commercial, permitted, or otherwise, shall not relieve the Contractor of its responsibility to utilize an appropriate site and to comply with all Local, State and Federal laws and regulations.

SECTION 203, BEGIN LINE 286, DELETE AND INSERT AS FOLLOWS:

203.10 Disposal of Excavated Material Except Waterway and Peat Excavation

Excavation material shall be used for the construction of embankments, shoulders, special fill, or other places as may be specified or directed, depending on the nature of the material. Excavated material that is suitable for embankment construction that is not

required for maintenance of traffic shall be placed in the embankment before placing any borrow material, unless otherwise authorized in writing.

If more material is excavated from within required cut slopelines than is needed to construct embankments or special fills, the excess may be used to widen embankments, flatten fill slopes, or be used otherwise as directed. All excess excavated material that cannot be used constructively within the project limits shall be disposed of off the right-of-way in accordance with ~~201.03~~ and 203.08.

Excavation obtained from the right-of-way and planned to be used in fills may be wasted and replaced with borrow with no additional payment only after written permission is obtained. All required samples of the borrow or the excavation materials involved shall be furnished with no additional payment.

203.11 Disposal of Waterway Excavation

Unless otherwise provided, material resulting from waterway excavation shall be used ~~to fill old channels and~~, if suitable, in embankment, special fill, and approach embankments, or any combination of these, as specified or directed.

~~A~~ Any portion of waterway excavation *material* which is unsuitable for the above uses, ~~a~~ any portion which is suitable but is in excess of that required for such uses, or ~~if~~ *when* locations for such ~~disposal~~ *uses* are not available, the ~~disposal~~ *material* shall be *disposed* of in accordance with ~~201.03~~ 203.08.

203.12 Disposal of Peat

All material removed as peat excavation, removed or displaced by machine operation, or displaced by the advancing backfilling material shall be ~~uniformly spread between the toes of fill slopes and the swamp ditches or beyond, or otherwise~~ disposed of in accordance with 203.08.

Indiana Department of Transportation
Request for Approval of Borrow or Disposal Site

Part I – Contract, Site and Permit Information *(To be completed by the Contractor)*

Date: _____ Contract: _____

Contractor: _____ District: _____

Proposed Site is for (check one): ☐ Borrow ☐ Excavation Disposal ☐ Both

A. Complete this section for all borrow/disposal site requests. Check the appropriate box, 1, 2 or 3. If box 1 or 2 is checked, skip section **B** and complete section **C**.

1. ☐ The proposed Site is a solid waste facility listed with IDEM.

a) Name of facility: _____

b) Address of facility: _____

c) IDEM Operating Number: _____ Exp. Date: _____

2. ☐ The proposed Site is not a facility listed with IDEM, but is legally permitted for the operations proposed by the Contractor.

a) Name of Site owner: _____

b) Address of Site: _____

c) The proposed Site is operated under one or more of the following permits:

☐ IDEM 401 Water Quality Certification

Permit No: _____ Exp. Date: _____

☐ Not Required (explain): _____

☐ US Army Corps of Engineers (USACE) Section 404 Clean Water Act

Permit No: _____ Exp. Date: _____

☐ Not Required (explain): _____

☐ IDNR Construction in Floodway

Permit No: _____ Exp. Date: _____

☐ Not Required (explain): _____

☐ IDEM Rule 5

Permit No: _____ Exp. Date: _____

☐ Not Required (explain): _____

☐ The Site has archaeological clearance and written authorization to enter in accordance with 203.08. Attach copies.

☐ Not Required (explain): _____

3. ☐ The proposed Site is not currently a licensed commercial site or a permitted site as defined in 203.08. Complete sections **B** and **C** below.

B. Complete this section only if box 3 was checked in section **A**.

1. Name of the Site owner: _____

2. Location of the Site: _____

3. For a proposed disposal site, attach a list of materials to be disposed of at the Site.

4. Attach a right-of-entry signed by the property owner for the proposed work at the Site including access by the Department.

5. Attach a site plan for the proposed Site in accordance with 203.08.

6. Attach a copy of the operation plan for the proposed Site in accordance with 203.08.

7. Attach a copy of the wetlands delineation performed at the Site in accordance with 203.08.

8. Attach a copy of the archaeological clearance and written authorization to enter the Site in accordance with 203.08.

9. Will there be impacts to wetlands or waters of the US at the Site?

☐ **Yes** – Attach copies of the following permits for the Site:

1. IDEM 401 Water Quality Certification – Exp. Date: _____

2. USACE 404 Permit – Exp. Date: _____

☐ Site is an isolated wetland and a USACE 404 Permit is not required.

☐ **No** – No permits are required.

5. Is the Site in a Floodway?

☐ **Yes** – Attach a copy of the IDNR Construction in a Floodway Permit for the Site.

Exp. Date: _____

☐ **No** – No permit is required.

6. Will more than one acre of land at the Site be disturbed by borrow or disposal activities?

☐ **Yes** – Attach a copy of the IDEM Rule 5 Notice of Intent (NOI) for the Site.

Exp. Date: _____

☐ **No** – No permit is required.

8. Comments (attach additional sheets as necessary)

C. Complete the certification for all borrow/excavation disposal site requests. Submit the request to the Project Engineer/Supervisor.

Certification

The Contractor hereby certifies that the proposed borrow or disposal site, as described above, has valid permits for the Contractor's proposed operations at the site in accordance with all local, state and federal laws and that the Contractor will only perform those operations at the site that are permitted.

Signed: _____

Title: _____

Printed Name: _____

Date: _____

**Indiana Department of Transportation
Request for Approval of Borrow or Disposal Site**

Part II. – Review and Approval *(To be completed by the Project Engineer/Supervisor)*

The Contractor's request for approval of borrow or disposal site has been reviewed and is

☐ Approved

☐ Rejected

with the following comments (attach additional sheets as necessary).

Department approval of this request is only for compliance with the contract specifications and does not relieve the Contractor of any obligations under any local, state or federal laws.

Signed: _____

Title: _____

Printed Name: _____

Date: _____

Cc: District Construction
District Environmental Scientist
Contractor
file